

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: NOVEMBER 29, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-25068 - APPLICANT: FUN CITY MOTEL - OWNER: CHETAK DEVELOPMENT CORPORATION**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for the Package Liquor Off-sale Establishment use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit or business license, to reflect the changes herein. The site plan shall be revised to depict four handicap accessible spaces as required for 79 parking spaces pursuant to Title 19.10.010 (G). The handicap accessible spaces, including a van accessible space, must be configured to comply with Title 19.10.010 (K) Figure 4.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. Conformance to LVMC Title 19.06.140, Las Vegas Boulevard Scenic Byway Overlay District regarding illumination standards and the City of Las Vegas Sign Code, Title 19.14.140, regarding abandoned signs shall be required. Existing signage that is abandoned must be removed, covered with a blank sign face, or replaced with appropriate signage for an on-premise, licensed business. Future or replacement signage, including blank sign face, is subject to Planning and Development staff review prior to issuance of a Building and Safety Department sign permit.

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8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Package Liquor Off-Sale Establishment within an existing building at 2301 South Las Vegas Boulevard. The applicant wishes to expand this tenant space to encompass the entire ground floor of this building (2301, 2303, 2305, and 2307 South Las Vegas Boulevard) and to provide a “first rate” retail operation to serve the local businesses as well as the tourist population.

The subject proposal meets all Title 19.04 standards for Package Liquor Off-Sale Establishment uses. The Downtown Centennial Plan does not have an automatic parking application and the site qualifies as a parking-impaired development; therefore, the provided parking is adequate for the proposed use. Further, this use is compatible with the surrounding area and staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
There are no relevant City actions related to this application.	
<i>Related Building Permits/Business Licenses</i>	
Prior to 01/01/51	A business license, M08-00031, for a Motel category license was issued by the Department of Finance and Business Services. This license was reissued on 03/30/04 due to a change in ownership. *
07/14/95	A business license, B08-00847, for a Beauty/Cosmetics Sales category license was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 08/03/95 and reissued on 10/12/06 due to a change in ownership. *
05/06/98	A business license, C05-01887, for a Tobacco Dealer - Retail category license was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 06/02/98 and reissued on 01/05/01 due to a change in ownership. *
05/06/98	A business license, C07-02327, for a Clothing Store category license was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 06/02/98 and reissued on 01/05/01 due to a change in ownership.
05/18/98	A business license, T08-00030, for a Tattoo Establishment category license was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 06/02/98 and reissued on 10/22/99 due to a reclassification from license M07-02143. *
11/04/05	A business license, C07-03460, for a Clothing Store category license was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 12/06/05.*
RTS	

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<i>Pre-Application Meeting</i>	
10/03/07	A pre-application meeting was held and elements of this application were discussed. A detailed parking analysis was requested and submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

- * This business license has been issued with no indication that it was reviewed or approved by the Planning and Development Department.

<i>Field Check</i>	
10/22/07	The Department of Planning and Development conducted a site visit that found that this is an existing building and parking lot. Site access is shared among the neighboring properties. There are signs of vandalism and graffiti present on the building and a neighboring vacant building.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.8

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Hotel, Motel, or Hotel Suites; General Retail, Other Than Listed; and Tattoo Parlor/Body Piercing Studio	C (Commercial)	C-2 (General Commercial)
North	Hotel, Motel, or Hotel Suites	C (Commercial)	C-2 (General Commercial)
South	Office, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	Parking Structure	C (Commercial)	C-2 (General Commercial)
East	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
West	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	Hotel, Motel, or Hotel Suites	C (Commercial)	C-2 (General Commercial)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
Beverly Green/Southridge Neighborhood Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
G-O (Gaming Enterprise Overlay) District	X		Y
A-O (Airport Overlay) District (175 Feet)	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment		X	n/a
Project of Regional Significance	X		Y *

- * Pursuant to Ordinance #5477, the project under review outlines a project that meets the threshold that defines a Project of Regional Significance as outlined in the ordinance for a Special Use Permit application concerning property within 500 feet of the City boundary with Clark County. The applicant has prepared an impact report as required by the Ordinance for referral to Clark County and other affected agencies. As of 11/08/07, no comments have been received.

DEVELOPMENT STANDARDS

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. A comparison of the typical parking requirement and what is provided is detailed below:

Pursuant to Title 19.04 and 19.10*, the following parking standards apply:

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Hotel, Motel or Hotel Suites	86 Units	1 Space / Guest Room	82 Spaces	4 Spaces			**

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Package Liquor, Off- Sale Establishment	5,500 SF	1 Space / 175 SF of GFA	30 Spaces	2 Spaces			**
TOTAL (including handicap)			118 Spaces	79 Spaces			Y ***

* Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements.

** The site plan and text parking analysis do not indicate the location or the number of disability accessible spaces provided. The parking analysis indicates that there are 79 spaces provided for this development. Pursuant to Title 19.10.010 (G) Table 2, four of the 79 parking spaces provided should be accessible spaces, one of which should be van accessible. A condition of approval has been added to this review requiring the submission of a revised site plan that depicts the location and applicable dimensioning of the accessible spaces.

*** Pursuant to Title 19.10.010 (C), since the proposed Package Liquor, Off-Sale Establishment use is no more intense than the uses previously approved for the site the development qualifies as a parking-impaired development and no additional parking would be required to site this use at this location.

ANALYSIS

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as C (Commercial) on the Redevelopment Plan Area Map of the General Plan. This category allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) General Plan land use categories. The proposed use is in conformance with the land use designation. The C-2 (General Commercial) zoning district would allow a Package Liquor, Off-Sale Establishment use with the approval of a Special Use Permit and is consistent with the existing C (Commercial) General Plan designation.

The site is within the McCarran International Airport Overlay Map portion of the A-O (Airport Overlay) District. This is an existing commercial site with an overlay height limitation of 175 feet and is in compliance with Title 19.06.080.

The site is also within the G-O (Gaming Enterprise Overlay) District. The intent of this overlay district is to reflect the implementation of the provisions of LVMC Chapter 6.40 and State law that pertain to gaming enterprise districts. The proposed project does not impact, nor is it impacted by the G-O (Gaming Enterprise Overlay) District.

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As previously noted, the subject site is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed use is in conformance with the Redevelopment Plan. Further, the site is within the Beverly/Southridge Neighborhood Plan area at the southwestern edge of the plan boundaries. The neighborhood plan is intended to serve as a set of guiding principles for the area. The proposed project does not directly conflict with any of the stated goals or strategies of the neighborhood plan.

This site is within the Las Vegas Boulevard Scenic Byway Overlay District. In 2001 the State of Nevada designated as a scenic byway the Las Vegas Boulevard Scenic Byway in order to preserve its character as a nighttime urban scenic byway. The intent of the Las Vegas Boulevard Scenic Byway Overlay District is to provide signage standards that will maintain and enhance the scenic qualities of this historic highway in accordance with the "scenic byway" designation. Due to this the Urban Design Coordinator will have to review and approve any change or addition in signage at this location prior to the issuance of any Building and Safety Department sign permit. A condition of approval has been added to reflect this requirement.

Pursuant to Title 19.06.060 properties within the Downtown Overlay District are exempt from the automatic application of development standards for building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. Standards for the overlay district are identified within the Downtown Centennial Plan. This site is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Las Vegas Boulevard district. This district creates the spine for most of the districts of the plan and is the primary linkage for tourist, commercial, and entertainment interests between The Strip and the various districts of Downtown Las Vegas. The Las Vegas Boulevard district is generally defined to include the Las Vegas Boulevard right-of-way and all those properties adjacent thereto with frontage on both the west and east sides of the right-of-way. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

Pursuant to Title 19.04 the Minimum Requirements of Approval for a Package Liquor, Off-Sale Establishment use in a C-2 (General Commercial) Zoning District are:

- **Conditions**

- *1. Except as otherwise provided, no package liquor off-sale establishment use (herein after "establishment") shall be located within 400 feet of any church, synagogue, school, childcare facility licensed for more than twelve children, or City park.
- *2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes

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- of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
- a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
- *3.** In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
- a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- 4.** The minimum distance requirements in Requirement 1 do not apply to:
- a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
 - b. A proposed retail establishment having more than 50,000 square feet or retail floor space.
- *5.** All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The proposed use is appropriate for the area and will be located on the ground level of an existing structure previously occupied by various tenants including a tattoo parlor/body piercing studio; a general retail, other than listed; and reflexology business, medical office uses. The nearest alcohol use, a restaurant with a beer/wine/cooler on-sale establishment license, is located north of the property at 2211 Las Vegas Boulevard South. There are no protected uses within the required separation distance.

The proposed Package Liquor, Off-sale Establishment meets the minimum requirements pursuant to Title 19.04 and is compatible with the commercial nature of this area; therefore, staff is recommending approval of this Special Use Permit.

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FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

As this is within a predominately C (Commercial) area, the subject proposal will be harmonious and compatible with existing surrounding land uses and with future uses as projected by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

Package liquor, off-sale establishment at this location will not greatly affect the intensity of uses on the site. Although, the site does not meet the base parking standards staff finds that there is adequate parking on the site to accommodate the proposed use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is served by Las Vegas Boulevard South (a 100-foot primary arterial). This thoroughfare can accommodate the proposed package liquor, off-sale establishment use and should not negatively impact the adjacent roadways or neighborhood traffic.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this request will not compromise the public health, safety or welfare of the general public as regular inspections are a part of the business licensing process and will not jeopardize the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The Package Liquor, Off-sale Establishment use meets all standard conditions that apply pursuant to Title 19.04.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 479

APPROVALS 0

PROTESTS 4